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SENATE BILL 20

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO PUBLIC WORKS; PERMITTING THE STATE AND LOCAL PUBLIC BODIES TO ENTER INTO CONSTRUCTION MANAGEMENT SERVICES CONTRACTS WITH CONSTRUCTION MANAGERS AT RISK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-1-40.1 NMSA 1978 (being Laws 1997, Chapter 171, Section 1) is amended to read:

"~~Section~~ 13-1-40.1. ~~[DEFINITION]~~ DEFINITIONS- -
CONSTRUCTION MANAGEMENT, ~~[AND]~~ CONSTRUCTION MANAGER AND
CONSTRUCTION MANAGER AT RISK. - -

A. "Construction management" means consulting services related to the process of management applied to a public works project for any duration from conception to completion of the project for the purpose of controlling time, cost and quality of the project.

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1 B. "Construction manager" means a person who acts
2 as an agent of the state agency or local public body for
3 construction management, for whom the state agency or local
4 public body shall assume all the risks and responsibilities.

5 C. "Construction manager at risk" means a person
6 who:

7 (1) acts as an agent of the state agency or
8 local public body for construction management;

9 (2) cooperatively develops the project with
10 the state or local public body and an architect;

11 (3) guarantees a maximum price for the project
12 to the state or local public body; and

13 (4) obtains bids from qualified subcontractors
14 for services and materials not provided by that person."

15 Section 2. Section 13-1-100.1 NMSA 1978 (being Laws 1997,
16 Chapter 171, Section 3) is amended to read:

17 "13-1-100.1. CONSTRUCTION CONTRACTS--CONSTRUCTION
18 MANAGEMENT SERVICES.--

19 A. A construction management services contract may
20 be entered into with a construction manager or a construction
21 manager at risk for ~~any~~ a construction or state or local
22 public works project when a state agency or local public body
23 makes a determination that it is in the public's interest to
24 utilize construction management services. Construction
25 management services shall not duplicate and are in addition to

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1 the normal scope of separate architect or engineer contracts,
2 the need for which may arise due to the complexity or unusual
3 requirements of a project as requested by a state agency or
4 local public body.

5 B. To ~~insure~~ ensure fair, uniform, clear and
6 effective procedures that will strive for the delivery of a
7 quality project, on time and within budget, the secretary, in
8 conjunction with the appropriate and affected professional
9 associations and contractors, shall promulgate ~~regulations~~
10 rules, which shall be adopted by the governing bodies of all
11 using agencies and shall be followed by all using agencies when
12 procuring construction management services as authorized in
13 Subsection A of this section.

14 C. A state agency shall make the decision on a
15 construction management services contract for a state public
16 works project, and a local public body shall make that decision
17 for a local public works project. A state agency shall not
18 make the decision on a construction management services
19 contract for a local public works project. "